

February 27, 2017

Via ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of Ex Parte Communication

WT Docket 16-240, Amendments to Harmonize and Streamline Part 20 of the Commission's Rules Concerning Requirements for Licensees to Overcome a CMRS Presumption

Dear Ms. Dortch:

On February 24, 2017, Cathleen Massey, Josh Roland, and David Crawford of T-Mobile USA, Inc. ("T-Mobile") and the undersigned counsel spoke by telephone with Roger Noel, Kathy Harris, and Jessica Greffenius of the Commission's staff regarding the above-referenced proceeding.

We noted that while the intent of this proceeding is merely to streamline and update the Commission's rules, the proposed elimination of Section 20.7(h) of the regulations may be interpreted as a substantive change. We pointed out that Section 20.7(h) contains an interpretation of what *does not* constitute a mobile service (i.e., a service with devices authorized under Part 15 of the Commission's rules) not found elsewhere. Elimination of the rule could therefore be misinterpreted to suggest that services provided to devices authorized under Part 15 may be mobile services, even though the stated intent of the proceeding is not to implement any rule changes, but rather to clear away unnecessary regulatory clutter. In particular, we noted that this proceeding was not intended to address issues that merit a more complete evaluation under a rulemaking proceeding, such as data roaming rights and obligations.

Pursuant to Section 1.106 of the rules, a copy of this letter has been included in the docket in the proceeding and copies have been sent to each member of the Commission's staff with whom we spoke. If there are any questions, please contact the undersigned.

Respectfully submitted,

/s/ Russell H. Fox

Russell H. Fox

cc: (each electronically)
Roger Noel
Kathy Harris
Jessica Greffenius